

APPEAL, BRYANT, CASE-CLOSED

**U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:07-cv-00814**

Guesthouse International Franchise Systems, Inc. v. British American Properties MacArthur Inn, LLC et al
Assigned to: District Judge Aleta A. Trauger
Cause: 28:1332 Diversity-Other Contract

Date Filed: 08/08/2007
Date Terminated: 03/23/2009
Jury Demand: Defendant
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Guesthouse International Franchise Systems, Inc.

represented by **Eugene N. Bulso, Jr.**
Leader, Bulso & Nolan, PLC
414 Union Street
Suite 1740
Nashville, TN 37219
(615) 780-4110
Fax: (615) 780-4118
Email: gbulso@leaderbulso.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Ballengee Alexander
Bradley Arant Boult Cummings LLP
Roundabout Plaza
1600 Division Street
Suite 700
P O Box 340025
Nashville, TN 37203-0025
(615) 244-2582
Email: malexander@babc.com
TERMINATED: 05/19/2008

Plaintiff

Sumner Ventures, Inc.

represented by **Eugene N. Bulso, Jr.**
(See above for address)
ATTORNEY TO BE NOTICED

Steven A. Nieters
Leader, Bulso & Nolan, PLC
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Suite 1740
Nashville, TN 37219
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ATTORNEY TO BE NOTICED

V.

Defendant

**British American Properties
MacArthur Inn, LLC**

represented by **Bernard William Fischman**
The Ariel House
8118 Datapoint Drive
San Antonio, TX 78229
(210) 614-6400
Fax: (210) 614-6401
Email: bernard@bfischman.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roland W. Baggott, III
The Baggott Law Offices, LLC
4525 Harding Road
Suite 321
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(615) 620-4580
Email: roland.baggott@baggott.law.pro
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Thomas F. Noons

represented by **Bernard William Fischman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roland W. Baggott, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Edwin W. Leslie

represented by **Edwin W. Leslie**
15603 Azalea Shores Drive
Houston, TX 77070
(281) 379-5595
Fax: (281) 862-7103
PRO SE

Counter Defendant

Sumner Ventures, Inc.

represented by **Eugene N. Bulso, Jr.**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven A. Nieters
(See above for address)
ATTORNEY TO BE NOTICED

Counter Plaintiff

**British American Properties
MacArthur Inn, LLC**

represented by **Bernard William Fischman**
(See above for address)
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ATTORNEY TO BE NOTICED

Roland W. Baggott, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Plaintiff

Thomas F. Noons

represented by **Bernard William Fischman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roland W. Baggott, III
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

**Guesthouse International Franchise
Systems, Inc.**
TERMINATED: 07/31/2008

represented by **Eugene N. Bulso, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Ballengee Alexander
(See above for address)
TERMINATED: 05/19/2008

Counter Plaintiff

**British American Properties
MacArthur Inn, LLC**

represented by **Bernard William Fischman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roland W. Baggott, III
(See above for address)
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ATTORNEY TO BE NOTICED

Counter Defendant

Guesthouse International Franchise Systems, Inc.
TERMINATED: 07/31/2008

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TERMINATED: 05/19/2008
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TERMINATED: 05/19/2008

Counter Plaintiff

Thomas F. Noons

represented by **Bernard William Fischman**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roland W. Baggott, III
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Guesthouse International Franchise Systems, Inc.
TERMINATED: 07/31/2008

represented by **Eugene N. Bulso, Jr.**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Ballengee Alexander
 (See above for address)
TERMINATED: 05/19/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Ballengee Alexander
 (See above for address)
TERMINATED: 05/19/2008

Date Filed	#	Docket Text
08/08/2007	1	COMPLAINT against British American Properties MacArthur Inn, LLC, Thomas F. Noons, Edwin W. Leslie , filed by Guesthouse International Franchise Systems, Inc. (filing fee paid \$350.00) Summons issued.

		(Attachments: #(1) Exhibit 1 #(2) Exhibit 1, continued #(3) Exhibit 2 #(4) Exhibit 3 #(5) Summons)(rm) (Entered: 08/08/2007)
08/08/2007	2	CORPORATE DISCLOSURE STATEMENT filed by Guesthouse International Franchise Systems, Inc. (rm) (Entered: 08/08/2007)
08/08/2007	3	NOTICE from USDC Clerk regarding Corporate Disclosure Statement requirement. (rm) (Entered: 08/08/2007)
08/08/2007	4	NOTICE of Initial Case Management Conference set for Friday, 10/19/2007 at 2:30 PM in Room 825 before District Judge Aleta A. Trauger. (rm) (Entered: 08/08/2007)
08/31/2007	5	SUMMONS returned executed by Guesthouse International Franchise Systems, Inc.. Edwin W. Leslie served on 8/14/2007. (Alexander, Melissa) (Entered: 08/31/2007)
09/04/2007	6	ANSWER to Complaint by Edwin W. Leslie.(dt) (Entered: 09/05/2007)
09/05/2007		Address added for deft Edwin Leslie per filing of DE No. 6. (aef,) (Entered: 09/05/2007)
09/10/2007	7	ANSWER to Complaint and Plea in Abatement by Thomas F. Noons.(dt) (Entered: 09/10/2007)
09/10/2007	8	ANSWER to Complaint by British American Properties MacArthur Inn, LLC. (dt) (Entered: 09/11/2007)
09/10/2007	9	MOTION for attorney Bernard Wm. Fischman to Appear Pro Hac Vice by British American Properties MacArthur Inn, LLC & Thomas F. Noons. (Attachments: #(1) Proposed Order)(PHV FEE PAID on 9/17/07)(Certificate of Good Standing Filed on 9/17/07) (dt) . Modified Text on 9/11/2007 (dt). Modified Text on 9/18/2007 (dt). (Entered: 09/11/2007)
09/17/2007	10	RECEIPT #116437 in the amount of \$75.00 posted by Bernard Fischman, attorney for British American Properties MacArthur Inn, LLC, re 9 Motion to Appear Pro Hac Vice. (dt) (Entered: 09/18/2007)
09/17/2007	11	CERTIFICATE OF GOOD STANDING for Bernard W. Fischman from the USDC/WDTX filed by British American Properties MacArthur Inn, LLC. (dt) (Entered: 09/18/2007)
09/19/2007	12	ORDER ADMITTING COUNSEL PRO HAC VICE: granting 9 Motion for Bernard Wm. Fischman to Appear Pro Hac Vice. Signed by Judge Aleta A. Trauger on 9/19/07. (dt) (Entered: 09/19/2007)
10/12/2007	13	PROPOSED ORDER RESCHEDULING INITIAL CASE MANAGEMENT CONFERENCE by British American Properties MacArthur Inn, LLC. (Fischman, Bernard) Modified Text on 10/15/2007 (dt). (Entered: 10/12/2007)
10/12/2007	14	First MOTION to Reset Initial Case Management Conference by British American Properties MacArthur Inn, LLC. (Fischman, Bernard) (w/ attached Corporate Disclosure Statement) Modified Text on 10/15/2007 (dt). (Entered: 10/12/2007)

10/15/2007		Note to Filer re Docket Entry Nos. 13-14: These documents have been scanned. Scanning should be used only for documents that are not created on your computer. Pursuant to Administrative Order No. 167, Section 5.08, proposed orders should be included as an attachment to an electronically filed motion or other request for relief. If the Court orders that counsel submit a proposed order, it should be submitted as an attachment to a Notice of Filing. The Corporate Disclosure Statement should be filed as separate event, not as an attachment to a document. These documents do not need to be re-filed unless otherwise directed by the Court (dt) (Entered: 10/15/2007)
10/15/2007	15	First MOTION to Supplement 14 First MOTION to Continue <i>initial case management conference</i> by British American Properties MacArthur Inn, LLC. (Fischman, Bernard) (Entered: 10/15/2007)
10/15/2007	16	ORDER RESCHEDULING INITIAL CASE MANAGEMENT CONFERENCE: Case Management Conference scheduled for 10/19/07 at 2:30 p.m. is cancelled subject to reset. Parties are directed to confer with one another and with the Clerk to set a new date for such conference. Signed by Judge Aleta A. Trauger on 10/15/07. (km) (Entered: 10/15/2007)
10/17/2007	17	ORDER: Case Management Conference set for 10/19/07 at 2:30 p.m. is reset for 11/16/2007 at 03:30 PM before District Judge Aleta A. Trauger. Signed by Judge Aleta A. Trauger on 10/17/07. (km) Modified on 10/18/2007 (bb-j). (Entered: 10/17/2007)
11/07/2007	18	NOTICE of Appearance by Roland W. Baggott, III on behalf of British American Properties MacArthur Inn, LLC, Thomas F. Noons (Baggott, Roland) (Entered: 11/07/2007)
11/07/2007	19	CORPORATE DISCLOSURE STATEMENT filed by British American Properties MacArthur Inn, LLC. (Baggott, Roland) (Entered: 11/07/2007)
11/08/2007		Note to Filer re Docket Entry Nos. 18-19: Pursuant to court policy and procedure, Certificates of Service must include the names and full addresses for all persons served (whether served electronically or by other means), what was served, method of service and date of service. (See Local Rule 5.01.) Please file a conformed Certificate of Service for this document. (dt) (Entered: 11/08/2007)
11/11/2007	20	CERTIFICATE of Service re 18 Notice of Appearance and 19 Corporate Disclosure Statement filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) Modified Text on 11/14/2007 (dt). (Entered: 11/11/2007)
11/13/2007	21	PROPOSED CASE MANAGEMENT ORDER filed by Guesthouse International Franchise Systems, Inc., British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 11/13/2007)
11/16/2007		Minute Entry for proceedings held before Judge Aleta A. Trauger : Case Management Conference held on 11/16/2007. Any cross-claim against pro se defendant Leslie to be filed by 12/19/2007, which is the deadline to amend as stated in CMO. (Court Reporter none.) (bb-j) (Entered: 11/19/2007)

11/19/2007	22	ORDER SETTING BENCH TRIAL: Bench Trial set for 9/23/2008 at 09:00 AM before District Judge Aleta A. Trauger. Proposed Pretrial Order due by 9/16/2008. Final Pretrial Conference set for 9/19/2008 at 01:30 PM before District Judge Aleta A. Trauger. Exhibit List and Witness List due by 9/16/2008. Signed by Judge Aleta A. Trauger on 11/19/07. (dt) (cc: Deft Leslie by cert. & reg. mail) Modified Text on 11/20/2007 (dt). (Entered: 11/19/2007)
11/19/2007	23	INITIAL CASE MANAGEMENT ORDER: Motion to Amended Pleadings due by 12/19/2007. Discovery due by 4/1/2008. Dispositive Motions due by 5/7/2008. Signed by Judge Aleta A. Trauger on 11/19/07. (dt) (Entered: 11/19/2007)
12/10/2007	24	Docket Annotation: Green card returned this date as to DE No. 22-23, signed by illegible on 12/4/07. (dt) (Entered: 12/11/2007)
12/19/2007	25	COUNTERCLAIM against Guesthouse International Franchise Systems, Inc., filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 12/19/2007)
01/30/2008	26	MOTION for Leave to Leave to Assert Counterclaim re 8 Answer to Complaint, 7 Answer to Complaint, 25 Counterclaim, 1 Complaint, by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Attachments: # 1 Exhibit Exhibit A to Motion for Leave# 2 Exhibit Amended Answer and Affirmative Defenses to Assert Counterclaim)(Baggott, Roland) (Entered: 01/30/2008)
02/11/2008	27	JOINT MEDIATION REPORT by Guesthouse International Franchise Systems, Inc., British American Properties MacArthur Inn, LLC, Thomas F. Noons, Edwin W. Leslie(Alexander, Melissa) Modified Text on 2/11/2008 (dt). (Entered: 02/11/2008)
02/13/2008	28	RESPONSE in Opposition re 26 MOTION for Leave to Leave to Assert Counterclaim re 8 Answer to Complaint, 7 Answer to Complaint, 25 Counterclaim, 1 Complaint, MOTION for Leave to Leave to Assert Counterclaim re 8 Answer to Complaint, 7 Answer to Complaint, 25 Counterclaim, 1 Complaint, filed by Guesthouse International Franchise Systems, Inc.. (Alexander, Melissa) (Entered: 02/13/2008)
02/13/2008	29	DECLARATION of Melissa Ballengee Alexander filed by Guesthouse International Franchise Systems, Inc. re: 28 Response in Opposition to Motion,. (Alexander, Melissa) (Entered: 02/13/2008)
03/06/2008	30	NOTICE of Appearance by Eugene N. Bulso, Jr on behalf of Guesthouse International Franchise Systems, Inc. (Bulso, Eugene) (Entered: 03/06/2008)
03/25/2008	31	ORDER: The MOTION for Leave of Court to Amend Answer 26 is Granted. So that the pleadings will be clear, it is hereby Ordered that defendants British American Properties MacArthur Inn, LLC and Thomas F. Noons shall each file an Amended Answer that contains the affirmative defenses and counterclaims already of record in Docket Nos. 7, 8 and 26-2, with no additions, by 4/1/08. The plaintiff shall respond to the counterclaims by April 18, 2008. All deadlines are SUSPENDED, and a case management conference

		shall be held in this case on Friday, April 25, 2008 at 11:00 a.m. New deadlines will be discussed, as will the necessity for rescheduling the trial. Signed by Judge Aleta A. Trauger on 3/25/08. (dt) (Entered: 03/25/2008)
03/25/2008	32	First Supplemental and Amending ANSWER to Complaint, First COUNTERCLAIM against Guesthouse International Franchise Systems, Inc. by British American Properties MacArthur Inn, LLC.(Baggott, Roland) Modified Text on 3/26/2008 (dt). (Entered: 03/25/2008)
03/25/2008	33	First Supplemental and Amending ANSWER to Complaint, First COUNTERCLAIM against Guesthouse International Franchise Systems, Inc. by Thomas F. Noons.(Baggott, Roland) Modified Text on 3/26/2008 (dt). (Entered: 03/25/2008)
04/03/2008	34	Certified Mail Return Receipt Card received this date as to DE #31 mailed to Edwin Leslie, signed for by illegible no date on green card. (dt) (Entered: 04/04/2008)
04/15/2008	35	REPLY filed by Guesthouse International Franchise Systems, Inc. re 32 Answer to Complaint, Counterclaim filed by British American Properties MacArthur Inn, LLC. (Bulso, Eugene) (Entered: 04/15/2008)
04/15/2008	36	REPLY filed by Guesthouse International Franchise Systems, Inc. re 33 Answer to Complaint, Counterclaim filed by Thomas F. Noons. (Bulso, Eugene) (Entered: 04/15/2008)
04/16/2008		Note to Filer re Docket Entry No. 35-36: These documents should have been filed using the "Answer to Complaint" event. These documents do not need to be re-filed unless otherwise directed by the Court. (dt) (Entered: 04/16/2008)
04/23/2008	37	First MOTION to Participate in Case Management Conference via Telephone re 31 Order by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) Modified Text on 4/24/2008 (dt). (Entered: 04/23/2008)
04/23/2008	38	ORDER granting 37 Motion to have out of state counsel participate in case management conference via telephone. Signed by District Judge Aleta A. Trauger on 4/23/08. (gi) (Entered: 04/23/2008)
04/25/2008	39	REVISED PROPOSED CASE MANAGEMENT ORDER filed by British American Properties MacArthur Inn, LLC, Guesthouse International Franchise Systems, Inc., Thomas F. Noons. (Bulso, Eugene) Modified Text on 4/28/2008 (dt). (Entered: 04/25/2008)
04/25/2008		Minute Entry for proceedings held before District Judge Aleta A. Trauger: Case Management Conference held on 4/25/2008. Parties to file stipulation of citizenship of members of LLC. (Court Reporter none.) (bb-j) (Entered: 04/25/2008)
04/25/2008	40	REVISED CASE MANAGEMENT PLAN AND ORDER: Motion to Amend Pleadings due by 5/30/2008. Discovery due by 8/8/2008. Dispositive Motions due by 9/12/2008. Signed by District Judge Aleta A. Trauger on 4/25/08. (dt) (Entered: 04/25/2008)

04/25/2008	41	ORDER RESETTING BENCH TRIAL FOR JURY TRIAL: Jury Trial set for 1/20/2009 at 9:00 AM in Courtroom 873 before District Judge Aleta A. Trauger. Final Pretrial Conference set for 1/16/2009 at 1:30 PM before District Judge Aleta A. Trauger. Proposed Pretrial Order due by 1/13/2009. Exhibit List and Witness List due by 1/13/2009. Signed by District Judge Aleta A. Trauger on 4/25/08. (dt) (Entered: 04/25/2008)
05/08/2008	42	NOTICE of Change of Address by Eugene N. Bulso, Jr (Bulso, Eugene) (Entered: 05/08/2008)
05/16/2008	43	MOTION to Withdraw by Guesthouse International Franchise Systems, Inc.. (Alexander, Melissa) Modified Text on 5/19/2008 (dt). (Entered: 05/16/2008)
05/19/2008	44	ORDER granting 43 Motion to Withdraw as Attorney. Attorney Melissa Ballengee Alexander terminated. Signed by District Judge Aleta A. Trauger on 5/19/08. (dt) (Entered: 05/19/2008)
05/22/2008	45	STIPULATION re: <i>Citizenship and Domicile of Members of British American Properties MacArthur Inn, LLC</i> by Guesthouse International Franchise Systems, Inc., British American Properties MacArthur Inn, LLC. (Baggott, Roland) (Entered: 05/22/2008)
06/25/2008	46	MOTION to Compel by Guesthouse International Franchise Systems, Inc.. (Attachments: # 1 Exhibit First Set of Interrogatories and Requests for Production, # 2 Exhibit Notice of Deposition)(Bulso, Eugene) (Entered: 06/25/2008)
06/25/2008	47	DECLARATION of Eugene N. Bulso, Jr. filed by Guesthouse International Franchise Systems, Inc. re: 46 MOTION to Compel. (Bulso, Eugene) (Entered: 06/25/2008)
06/25/2008	48	MEMORANDUM in Support of 46 MOTION to Compel filed by Guesthouse International Franchise Systems, Inc.. (Bulso, Eugene) (Entered: 06/25/2008)
06/25/2008	49	JOINT WRITTEN STATEMENT re: 46 MOTION to Compel. (Bulso, Eugene) Modified Text on 6/26/2008 (dt). (Entered: 06/25/2008)
06/26/2008	50	ORDER: Plaintiff's Motion to Compel 46 is Denied Without Prejudice, as the plaintiff has not complied with Paragraph 9e. of the Revised Case Management Plan and Order 40 . Signed by District Judge Aleta A. Trauger on 6/26/08. (dt) (Entered: 06/26/2008)
06/27/2008	51	Report of Parties Regarding Mediation Efforts by Guesthouse International Franchise Systems, Inc., British American Properties MacArthur Inn, LLC (Baggott, Roland) (Entered: 06/27/2008)
07/11/2008	52	MOTION to Substitute Party <i>Sumner Ventures, Inc.</i> for <i>Guesthouse International Faanchise Systems, Inc.</i> by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Attachments: # 1 Memorandum in Support)(Baggott, Roland) (Entered: 07/11/2008)
07/11/2008	53	Additional Attachments to Main Document re: 52 MOTION to Substitute Party <i>Sumner Ventures, Inc.</i> for <i>Guesthouse International Faanchise Systems, Inc.</i> . (Baggott, Roland) (Entered: 07/11/2008)

07/31/2008	54	ORDER granting 52 Motion to Substitute Party. Sumner Ventures, Inc. rep by Eugene N. Bulso, Jr added. Guesthouse International Franchise Systems, Inc. terminated as counter-defendant. Signed by District Judge Aleta A. Trauger on 7/31/08. (dt) (Entered: 07/31/2008)
08/19/2008	55	SUBPOENA issued to LTPB, LLC and returned executed on August 18, 2008 as to LTPB, LLC by British American Properties MacArthur Inn, LLC, Thomas F. Noons (Baggott, Roland) (Entered: 08/19/2008)
09/04/2008	56	MOTION for Extension of Time to Complete Discovery <i>and Re-Set Trial</i> by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 09/04/2008)
09/09/2008	57	ORDER Granting 56 MOTION for Extension of Time to Complete Discovery and Re-Set Trial; Discovery due by 10/6/2008; Dispositive Motions due by 11/11/2008. The trial is boing reset by separate order. Signed by District Judge Aleta A. Trauger on 09/09/08. (ab) (Entered: 09/09/2008)
09/09/2008	58	ORDER RESETTING JURY TRIAL: Jury Trial set for 3/31/2009 09:00 AM in Courtroom 873 with the Final Pretrial Conference set for 3/27/2009 01:30 PM in Chambers 825 before District Judge Aleta A. Trauger. Proposed Pretrial Order due by 3/24/2008; Motions in Limine due by 03/13/09. Signed by District Judge Aleta A. Trauger on 09/09/08. (ab) (Entered: 09/09/2008)
11/06/2008	59	MOTION For Judicial Notice by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Attachments: # 1 Exhibit October 23, 2008 Decision from Sumner County)(Baggott, Roland) (Entered: 11/06/2008)
11/06/2008	60	MEMORANDUM in Support of 59 MOTION For Judicial Notice filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 11/06/2008)
11/07/2008	61	RESPONSE in Opposition re 59 MOTION For Judicial Notice filed by Sumner Ventures, Inc.. (Bulso, Eugene) (Entered: 11/07/2008)
11/07/2008	62	REPLY to Response to Motion re 59 MOTION For Judicial Notice filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 11/07/2008)
11/10/2008	63	MOTION for Summary Judgment by Sumner Ventures, Inc., Guesthouse International Franchise Systems, Inc.. (Attachments: # 1 Exhibit Declaration of Bob Marlowe, # 2 Exhibit Deposition of Thomas Noons (relevant excerpts), # 3 Exhibit Deposition of Edwin Leslie (relevant excerpts), # 4 Exhibit Historical Listing of Formula Rates)(Bulso, Eugene) (Entered: 11/10/2008)
11/10/2008	64	STATEMENT of Undisputed Facts filed by Sumner Ventures, Inc., Guesthouse International Franchise Systems, Inc. in support of 63 Motion for Summary Judgment,. (Bulso, Eugene) Modified Text on 11/12/2008 (dt). (Entered: 11/10/2008)
11/10/2008	65	MEMORANDUM in Support of 63 MOTION for Summary Judgment filed by Sumner Ventures, Inc., Guesthouse International Franchise Systems, Inc.. (Attachments: # 1 Appendix Westlaw case USDC EDNY Fulgini Orilio v.

		Lettieri, 2007 WL 1834750 (E.D.N.Y. 2007), # 2 Appendix Westlaw case USDC ND ILL Siemer v. Quizno's Franchise Co., LLC, 2008 WL 904874 (N.D. ILL. 2008), # 3 Appendix Westlaw case USDC E.D. Tenn, Hasler Aviation, LLC v. Aircenter, Inc., 2007 WL 246283 (E.D. Tenn. 2007), # 4 Appendix Westlaw case Tenn App, Sevier County Bank v. Paymentech Merchant Services, Inc., 2006 WL 2423547 (Tenn. App. 2006))(Bulso, Eugene) (Entered: 11/10/2008)
11/12/2008		Note to Filer re DE# 63: A signed declaration should be filed as a separate event, not as an attachment to a pleading. This document does not need to be re-filed unless otherwise directed by the Court. (dt) (Entered: 11/12/2008)
11/12/2008	66	MOTION for Leave to File Brief in Excess of 25 Pages by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Attachments: # 1 Proposed Order Granting Leave to File Brief in Excess of 25 Pages, # 2 Exhibit Memorandum in Support of Motion for Summary Judgment)(Baggott, Roland) Modified Text on 11/14/2008 (dt). (Entered: 11/12/2008)
11/12/2008	67	MOTION for Partial Summary Judgment by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 11/12/2008)
11/12/2008	68	MEMORANDUM in Support of 67 MOTION for Partial Summary Judgment filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 11/12/2008)
11/12/2008	69	CONCISE STATEMENT of Facts filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons in support of 67 Motion for Partial Summary Judgment. (Baggott, Roland) Modified Text on 11/14/2008 (dt). (Entered: 11/12/2008)
11/12/2008	70	NOTICE of Filing by British American Properties MacArthur Inn, LLC, Thomas F. Noons re 67 MOTION for Partial Summary Judgment (Attachments: # 1 Exhibit, # 2 Exhibit UFOC Guidelines, # 3 Exhibit Unreported Case, Coffee Beanery, # 4 Exhibit Deposition of Thomas F. Noons, # 5 Exhibit Deposition of Edwin Leslie/BAP, # 6 Exhibit Deposition of GuestHouse Repesentative Jim Grout, # 7 Exhibit Receipt, # 8 Exhibit License Agreement, # 9 Exhibit GuestHouse UFOC, # 10 Exhibit List of GuestHouse Litigation, # 11 Exhibit List of GuestHouse litigation including predecessor litigation, # 12 Exhibit Contract for purchase of signage, # 13 Exhibit Check Paid to Acken Signs, # 14 Exhibit FASB No. 5, # 15 Exhibit Unreported Case, Anesthesia Group, # 16 Exhibit Unreported Case, Eatherly Construction, # 17 Exhibit Deposition Ex. 2, Promissory Note)(Baggott, Roland) (Entered: 11/12/2008)
11/13/2008	71	ORDER granting 66 Motion for Leave to File Brief in Excess of 25 Pages. The Clerk is instructed to accept the Defendants' Motion and Brief for filing. Signed by District Judge Aleta A. Trauger on 11/13/08. (dt) (Entered: 11/13/2008)
12/01/2008	72	RESPONSE filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons to 64 Statement of Undisputed Facts filed by Sumner Ventures, Inc., Guesthouse International Franchise Systems, Inc.. (Baggott,

		Roland) Modified Text on 12/2/2008 (dt). (Entered: 12/01/2008)
12/01/2008	73	RESPONSE in Opposition to 63 MOTION for Summary Judgment filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) Modified Text on 12/2/2008 (dt). (Entered: 12/01/2008)
12/01/2008	74	NOTICE of Filing by British American Properties MacArthur Inn, LLC, Thomas F. Noons re 73 Response in Opposition to Motion (Attachments: # 1 Unpublished Decision Loew v. Gulf Coast Development, Inc., # 2 Unpublished Decision Exprexit Convenience Stores v. Transaction Tracking Technologies, # 3 Unpublished Decision Raley v. Jackson, # 4 Chancery Court Complaint, # 5 April 23, 2007 Correspondence from Mary Earlingson, # 6 Chancery Court Notice of Voluntary Dismissal, # 7 October 20, 2008 email containing Supplemental Responses to Plaintiff's First Set of Interrogatories)(Baggott, Roland) (Entered: 12/01/2008)
12/02/2008	75	NOTICE of Filing by Sumner Ventures, Inc. (Attachments: # 1 Exhibit Declaration of Ronald L. Marcou, # 2 Exhibit Declaration of Eugene N. Bulso, Jr., # 3 Exhibit Deposition of Edwin Leslie (relevant excerpts), # 4 Exhibit Bankruptcy filings of Edwin W. Leslie)(Bulso, Eugene) (Entered: 12/02/2008)
12/02/2008	76	RESPONSE filed by Sumner Ventures, Inc. to 69 Concise Statement of Facts filed by Thomas F. Noons, British American Properties MacArthur Inn, LLC. (Bulso, Eugene) Modified Text on 12/2/2008 (dt). (Entered: 12/02/2008)
12/02/2008	77	MOTION for Leave to <i>File Brief in Excess of 20 Pages</i> by Sumner Ventures, Inc.. (Attachments: # 1 Appendix Memorandum in Opposition to Defendants' Motion for Partial Summary Judgment)(Bulso, Eugene) (Entered: 12/02/2008)
12/02/2008		Note to Filer re Docket Entry Nos. 72 and 75: As to DE# 72, this document should have been filed using the "Response (Non-Motion)" event. As to DE# 75, signed declarations should be filed as separate events, not as attachments to a pleading. These documents do not need to be re-filed unless otherwise directed by the Court. (dt) (Entered: 12/02/2008)
12/02/2008	78	RESPONSE in Opposition re 67 MOTION for Partial Summary Judgment filed by Sumner Ventures, Inc.. (Attachments: # 1 Appendix Exhibit N to UFOC, # 2 Appendix Westlaw case, U.S. Tax Ct., Noons v. Commissioner of Internal Revenue, 2000 WL 311135 (March 28, 2000), # 3 Appendix Westlaw case, USDC NDGA, Holiday Hospitality Franchising, Inc. v. 174 West Street Corporation, 2006 WL 2466819 (N.D.Ga. Aug. 22, 2006), # 4 Appendix Westlaw case, USDC MDFL, Hetrick v. Ideal Image Development Corp., 2008 WL 215884 (M.D.Fla. Jan. 24, 2008), # 5 Appendix Westlaw case, USDC SDNY, Moojestic Treats, Inc. v. Maggiemoo's Intern.,LLC, 2004 WL 1110423 (S.D.N.Y. May 19, 2004), # 6 Appendix 16 C.F.R. Part 436 (2005), # 7 Appendix Westlaw case, USDC D.Minn., Kieland v. Rocky Mountain Chocolate Factory, 2006 WL 2990336 (D. Minn. Oct. 18, 2006), # 8 Appendix Westlaw case, USDC MDTN, Raley v. Jackson, 2007 WL 1725254 (M.D. Tenn. June 12, 2007), # 9 Appendix Westlaw case, Tenn. App., Eatherly Construction Company v. HTI Memorial Hospital, 2005 WL 2217078 (Tenn. App. Sept. 12, 2005))(Bulso, Eugene) (Entered: 12/02/2008)

12/03/2008		Note to Filer re Docket Entry NO. 78: The Response In Opposition and Exhibits should have been filed as attachments to the Motion for Leave to File, not as a separate entry. These documents do not need to be re-filed unless otherwise directed by the Court. (dt) (Entered: 12/03/2008)
12/05/2008	79	ORDER granting 77 Motion for Leave to File Brief in Excess of 20 Pages. Signed by District Judge Aleta A. Trauger on 12/5/08. (dt) (Entered: 12/05/2008)
12/05/2008	80	RESPONSE in Opposition to 67 MOTION for Partial Summary Judgment filed by Sumner Ventures, Inc. (dt) (Entered: 12/05/2008)
12/09/2008	81	First MOTION in Limine <i>and Motion to Strike</i> by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 12/09/2008)
12/09/2008	82	MEMORANDUM in Support of 81 First MOTION in Limine <i>and Motion to Strike</i> filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 12/09/2008)
12/09/2008	83	NOTICE of Filing by British American Properties MacArthur Inn, LLC, Thomas F. Noons re 81 First MOTION in Limine <i>and Motion to Strike</i> (Attachments: # 1 Case: American Senior Development, # 2 Unreported Case: Covenant Medial Management)(Baggott, Roland) (Entered: 12/09/2008)
12/10/2008		Note to Filer re Docket Entry No. 81: The motion filed is for multiple reliefs. This is filed by holding down the control key, scrolling down and highlighting the appropriate reliefs. See Chapter 5(I) of the User Manual for instructions. This document does not need to be re-filed unless otherwise directed by the Court. (dt) (Entered: 12/10/2008)
12/10/2008	84	Supplemental MOTION to Strike References in Plaintiff's Brief and Alternatively to Disqualify Eugene N. Bulso, Jr. as Counsel for Plaintiff and to be Re-Opened by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) Modified Text on 12/11/2008 (dt). (Entered: 12/10/2008)
12/10/2008	85	MEMORANDUM in Support of 84 Supplemental MOTION to Strike References in Plaintiff's Brief and Alternatively to Disqualify Eugene N. Bulso, Jr. as Counsel for Plaintiff and to be Re-Opened Discovery filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) Modified Text on 12/11/2008 (dt). (Entered: 12/10/2008)
12/10/2008	86	NOTICE of Filing by British American Properties MacArthur Inn, LLC, Thomas F. Noons re 84 Supplemental MOTION to Strike <i>or Alternatively</i> First MOTION to Disqualify Counsel <i>Eugene N. Bulso, Jr.</i> First MOTION for Discovery <i>to be Re-Opened</i> (Attachments: # 1 Notice of Deposition of Sumner Ventures, # 2 Tennessee Rule of Professional Conuct 3.7, # 3 Unreported Case Gilleland v. Schanals, # 4 December 9, 2008 Letter to Eugene N. Bulso, Jr.)(Baggott, Roland) (Entered: 12/10/2008)
12/11/2008	87	First MOTION for Extension of Time to File Reply as to 80 Response in Opposition to Motion, 78 Response in Opposition to Motion by British

		American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) Modified Text on 12/12/2008 (dt). (Entered: 12/11/2008)
12/12/2008	88	ORDER granting 87 Motion for Extension of Time to File Reply to 67 MOTION for Partial Summary Judgment. Deadline to be set at a later date. Signed by District Judge Aleta A. Trauger on 12/12/08. (dt) (Entered: 12/12/2008)
12/12/2008	89	REPLY to Response to 63 MOTION for Summary Judgment filed by Sumner Ventures, Inc.. (Attachments: # 1 Appendix Relevant excerpts of Deposition of Edwin W. Leslie, # 2 Appendix Westlaw case, USDC MDTN, WYCQ v. National Music Marketing, Inc., 2008 WL 56027 (M.D. Tenn. June 3, 2008), # 3 Appendix Westlaw case, Tenn. App., Eddings v. Sears Roeboebuck & Co., 2002 WL 1592540 (Tenn. App. July 19, 2002), # 4 Appendix Westlaw case, Tenn. App., Burton v. Hardwood Pallets, Inc., 2004 WL 572350 (Tenn. App. March 22, 2004), # 5 Appendix Westlaw case, Tenn. App., American Cable Corp. v. ACI Management, Inc., 2000 WL 1291265 (Tenn. App. Sept. 14, 2000), # 6 Appendix Westlaw case, 1997 WL 106332 (Tenn. App. 1997), # 7 Appendix Westlaw case, Tenn. App., Brandt v. McCord, 2008 WL 820553 (Tenn. App. March 26, 2008), # 8 Appendix Westlaw case, USDC MDTN, Raley v. Jackson, 2007 WL 1725254 (M.D. Tenn. June 12, 2007))(Bulso, Eugene) Modified Text on 12/15/2008 (dt). (Entered: 12/12/2008)
12/26/2008	90	RESPONSE in Opposition re 81 First MOTION in Limine and Motion to Strike filed by Sumner Ventures, Inc.. (Attachments: # 1 Appendix Westlaw case, USCA CA6, Fox v. Michigan State Police Department, 2006 WL 456008 (6th Cir. 2006))(Bulso, Eugene) (Entered: 12/26/2008)
12/26/2008	91	RESPONSE in Opposition re 84 Supplemental MOTION to Strike or AlternativelyFirst MOTION to Disqualify Counsel <i>Eugene N. Bulso, Jr.</i> First MOTION for Discovery to be Re-Opened filed by Sumner Ventures, Inc.. (Attachments: # 1 Appendix Westlaw case, USCA CA6, Fox v. Michigan State Police Department, 2006 WL 456008 (6th Cir. 2006), # 2 Appendix Plaintiff's First Set of Interrogatories to BAP, # 3 Appendix Plaintiff's First Set of Interrogatories to Thomas F. Noons, # 4 Appendix Defendants' Joint Responses to First Set of Interrogatories, # 5 Appendix Rule 30(b)(6) Notice of Deposition to BAP, # 6 Appendix Defendants' Supplemental Responses to First Set of Interrogatories, # 7 Appendix Rule 30(b)(6) Notice of Deposition to Sumner Ventures, Inc., # 8 Appendix Westlaw case, USDC EDLA, Jackson v. Adcock, 2004 WL 1661199 (E.D. La. 2004), # 9 Appendix Westlaw case, Tenn. App., Hilton v. Crawford, 1991 WL 261872 (Tenn. App. 1991))(Bulso, Eugene) (Entered: 12/26/2008)
12/26/2008	92	MOTION for Hearing re 63 MOTION for Summary Judgment by Sumner Ventures, Inc.. (Bulso, Eugene) (Entered: 12/26/2008)
12/30/2008	93	ORDER denying 92 Motion for Oral Argument. Signed by District Judge Aleta A. Trauger on 12/30/08. (ab) (Entered: 12/30/2008)
01/07/2009	94	ORDER: Defendants British American Properties MacArthur Inn, LLC and Thomas F. Noons shall file a reply to the Plaintiff's Memorandum in Opposition to Defendants' Supplemental Motion to Strike References in

		Plaintiff's Brief and Alternatively to Disqualify Eugene N. Bulso, Jr. As Counsel For Plaintiff and to Re-Open Discovery 84 91 by 1/14/2009. Signed by District Judge Aleta A. Trauger on 1/7/09. (dt) (Entered: 01/07/2009)
01/13/2009	95	REPLY to Response to 84 Supplemental MOTION to Strike and Alternatively to Disqualify Eugene N. Bulso, Jr. as Counsel for Plaintiff and to Re-Open Discovery filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) Modified Text on 1/14/2009 (dt). (Entered: 01/13/2009)
01/13/2009	96	NOTICE of Filing by British American Properties MacArthur Inn, LLC, Thomas F. Noons in support of 95 Reply to Response to Motion, (Attachments: # 1 Unpublished Case Gilleand v. Shanhals, # 2 Unreported Case Fisher v. Trinova, # 3 Unreported Case Eon Streams v. Clear Channel, # 4 Defendants' First Interrogatories to Plaintiff, # 5 Defendants' First Request for Production to Plaintiff)(Baggott, Roland) Modified Text on 1/14/2009 (dt). (Entered: 01/13/2009)
02/05/2009	97	MEMORANDUM. Signed by District Judge Aleta A. Trauger on 2/5/2009. (dt) (Entered: 02/05/2009)
02/05/2009	98	ORDER: For the reasons expressed in the accompanying Memorandum, the plaintiff Guesthouse International Franchise System, Inc's Motion for Summary Judgment 63 is GRANTED IN PART AND DENIED IN PART, the Partial Motion for Summary Judgment filed by defendants British American Properties MacArthur Inn, LLC, and Thomas F. Noons is GRANTED IN PART AND DENIED IN PART, that is, the motion is denied in all respects except as to the defendants' argument that the liquidated damages clause at issue constitutes an unenforceable penalty. These defendants' Motion for Judicial Notice 59 is DENIED AS MOOT and these defendants' Motions to Strike are 81 and 84 are DENIED. In the expectation that the parties will resolve the liquidated damages issue without the necessity of a trial, the trial and pretrial conference are being removed from the court's calendar. This file shall remain open, however, pending receipt by the court of notification that the parties have resolved all remaining matters or need assistance of some kind from the court. Signed by District Judge Aleta A. Trauger on 2/5/09. (cc: deft Leslie by reg. & cert. mail) (dt) Modified Text on 2/5/2009 (dt). (Entered: 02/05/2009)
02/12/2009	99	Certified Mail Return Receipt Card received this date as to DE #97-98 mailed to Edwin Leslie, signed for by Illegible, no date on green card. (dt) (Entered: 02/12/2009)
02/20/2009	100	MOTION for Partial Reconsideration or Clarification of 97 Memorandum & 98 Order by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) Modified Text on 2/24/2009 (dt). (Entered: 02/20/2009)
02/20/2009	101	MEMORANDUM in Support of 100 MOTION for Partial Reconsideration or Clarification of 97 Memorandum & 98 Order filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) Modified Text on 2/24/2009 (dt). (Entered: 02/20/2009)

02/20/2009	102	NOTICE of Filing by British American Properties MacArthur Inn, LLC, Thomas F. Noons in support of 101 Memorandum in Support, 100 MOTION for Partial Reconsideration or Clarification of 97 Memorandum & 98 Order. (Attachments: # 1 Unreported Case: Fleming v. Murphy, # 2 February 13, 2009 Email from Gino Bulso to Roland Baggott, # 3 Feb.16, 2009 Email from Gino Bulso to Roland Baggott, # 4 December 18, 2008 Judgement Against Leslie Family Trust)(Baggott, Roland) Modified Text on 2/24/2009 (dt). (Entered: 02/20/2009)
02/20/2009	103	ORDER: Defendants British American Properties MacArthur Inn, LLC and Thomas F. Noons have filed a Motion For Reconsideration, 100 . By 3/6/2009, the plaintiff shall respond to this motion. Signed by District Judge Aleta A. Trauger on 2/20/09. (dt) (Entered: 02/20/2009)
02/23/2009	104	RESPONSE in Opposition to 100 MOTION for Partial Reconsideration or Clarification of 97 Memorandum & 98 Order, filed by Sumner Ventures, Inc. (Attachments: # 1 Appendix Westlaw case, Tenn. App., Harvey v. Ford Motor Credit Company, 1999 WL 486894 (Tenn. App. 1999))(Bulso, Eugene) Modified Text on 2/24/2009 (dt). (Entered: 02/23/2009)
02/23/2009	105	MOTION for Attorney Fees by Sumner Ventures, Inc.. (Bulso, Eugene) (Entered: 02/23/2009)
02/23/2009	106	DECLARATION of Eugene N. Bulso, Jr. filed by Sumner Ventures, Inc. re: 105 MOTION for Attorney Fees. (Attachments: # 1 Exhibit Summary of Attorneys fees and expenses, # 2 Exhibit Detailed Time Records)(Bulso, Eugene) (Entered: 02/23/2009)
02/23/2009	107	MEMORANDUM in Support of 105 MOTION for Attorney Fees filed by Sumner Ventures, Inc.. (Bulso, Eugene) (Entered: 02/23/2009)
02/26/2009	108	MOTION for Leave to File Reply Brief to 104 Response in Opposition to 100 MOTION for Partial Reconsideration or Clarification of 97 Memorandum & 98 Order, by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Attachments: # 1 Exhibit Reply Brief)(Baggott, Roland) Modified Text on 2/27/2009 (dt). (Entered: 02/26/2009)
02/26/2009	109	REPLY to Response to Motion re 100 MOTION for Partial Reconsideration or Clarification of 97 Memorandum & 98 Order filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 02/26/2009)
02/27/2009		Note to Filer re Docket Entry No. 109: The Reply brief should have been filed as an attachment to the Motion for Leave to File, not as a separate entry. This document does not need to be re-filed unless otherwise directed by the Court. (dt) (Entered: 02/27/2009)
03/06/2009	110	RESPONSE in Opposition re 105 MOTION for Attorney Fees filed by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 03/06/2009)
03/11/2009	111	ORDER granting 108 Motion for Leave to File Reply to Docket Entry No. 104. Signed by District Judge Aleta A. Trauger on 3/11/09. (dt) (Entered:

		03/11/2009)
03/16/2009	112	MOTION for Leave to to File Reply Brief by Sumner Ventures, Inc.. (Attachments: # 1 Exhibit Reply Brief)(Bulso, Eugene) (Entered: 03/16/2009)
03/23/2009	113	ORDER granting 112 Motion for Leave to File Reply. Signed by District Judge Aleta A. Trauger on 3/23/09. (dt) (Entered: 03/23/2009)
03/23/2009	114	REPLY to Response to 105 MOTION for Attorney Fees filed by Sumner Ventures, Inc. (dt) (Entered: 03/23/2009)
03/23/2009	115	MEMORANDUM. Signed by District Judge Aleta A. Trauger on 3/23/09. (dt) (Entered: 03/23/2009)
03/23/2009	116	ORDER: For the reasons expressed in the accompanying Memorandum, the plaintiff's Motion for Attorneys' Fees and Expenses 105 is Granted, and the Motion for Partial Reconsideration or Clarification filed by defendants British American Properties MacArthur Inn, LLC, and Thomas F. Noons 100 is Denied. Final judgment is hereby entered for the plaintiff, Sumner Ventures, Inc. (the entity that acquired Guesthouse International Franchise Systems, Inc.) in the amount of \$441,360.23, that is, \$358,708.28 in damages and \$82,651.95 in attorneys fees and expenses. Signed by District Judge Aleta A. Trauger on 3/23/09. (dt) (Entered: 03/23/2009)
03/23/2009	117	Docket entry numbers 115-116 is hereby entered on the docket in compliance with Rule 58 and/or Rule 79(a) of the Federal Rules of Civil Procedure on 3/23/09 by DT. (dt) (Entered: 03/23/2009)
04/21/2009	118	MOTION for Extension of Time to File <i>Notice of Appeal</i> by British American Properties MacArthur Inn, LLC, Thomas F. Noons. (Baggott, Roland) (Entered: 04/21/2009)
04/21/2009	119	PROPOSED ORDER re: 118 MOTION for Extension of Time to File <i>Notice of Appeal</i> . (Baggott, Roland) Modified text on 4/22/2009 (km). (Entered: 04/21/2009)
04/21/2009	120	NOTICE OF APPEAL as to 116 Order Dismissing Case, by British American Properties MacArthur Inn, LLC, Thomas F. Noons. Filing fee \$ 455, receipt number 0650000000000671412. (Baggott, Roland) Modified text on 4/22/2009 (km). (Entered: 04/21/2009)
04/22/2009	121	ORDER: 118 Motion for Extension of Time to File a Notice of Appeal is denied as moot. Signed by District Judge Aleta A. Trauger on 4/22/09. (km) (Entered: 04/22/2009)

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